



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 173 – FRIDAY 14 FEBRUARY 2014

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Richard Luxton, Keith Aitken, Michael Bowman and Allan McKay

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary) and Steven Kubasiewicz (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.00 am and closed at 11.00 am

MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **HOSTEL IN A 3 STOREY BUILDING WITH A REDUCED FRONT SETBACK**
PA2013/0964 **SECTION 4117 (9) WATERS STREET, HUNDRED OF STRANGWAYS**
APPLICANT **GEORGE SAVVAS**

Mr George Savvas, Mr Eric Kim and Ms Julia Kang (developer) attended.

RESOLVED
37/14

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development develop Section 4117 (9) Waters Street, Hundred of Strangways, for the purpose of a hostel in a three storey building with reduced front setback, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) an amended site plan showing 2 carparks for staff only and the remainder reserved for residents
 - (b) a management plan detailing who the occupants of the facility are to be and how the facility is to operate, particularly with regard to the nature of transport to and from the site for occupants of the hostel.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity, water, sewerage services and telecommunication networks to the development in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. An Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains and measures proposed for dust suppression and control, is to be prepared and implemented on the advice of and to the requirements of Litchfield Council (and the Department of Land Resource Management if the

case may be). All works relating to this permit are to be undertaken in accordance with the ESCP to the satisfaction of the consent authority.

6. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access and streetscaping are to be to the technical requirements of Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense. Access culverts must be provided also to the satisfaction of the Northern Territory Fire and Rescue Service.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) sealed;
 - d) drained;
 - e) marked to indicate each space and access ways; and
 - f) marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors. All vehicles belonging to guests and staff of the hostel are to be parked within the development and not to flow onto Waters Street.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of Waters Street.
12. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
13. Access to and egress from the site for all vehicles (including waste collection and construction vehicles) must be from Waters Street only.
14. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.

15. Provision must be made on the land for the storage and collection of garbage and other solid waste to the requirements of the Department of Health. This area must be graded and drained and screened from public view on the advice of the Department of Health to the satisfaction of the consent authority.
16. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
17. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - d) presence of vermin
18. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
20. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
21. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
22. Facilities and infrastructure for fighting fire on the site are to be established to the requirements of the NT Fire and Rescue Service to the satisfaction of the consent authority.
23. The maximum number of guests to be accommodated at the hostel at any given time must not exceed fifty five persons.

EXPIRY OF A PERMIT

This permit will expire if one of the following circumstances applies:

- (a) the development is not started within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management at <http://lrm.nt.gov.au/soil/management>.
4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the *Building Act*, National Construction Code, the NT Public and Environmental Health Act and Regulations, the proposed NT Public Health Draft Guidelines for Commercial Visitor Accommodation, the *NT Food Act* and National Food Safety Standards.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The application complies with the relevant provisions of the NT Planning Scheme including: Clause 6.4 (Plot Ratios); Clause 6.5.1 (Parking Requirements); Clause 7.6 (Communal Open Space); Clause 7.7 (Landscaping for multiple Dwellings, Hostels and Supporting Accommodation); Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation); and Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T).

The application however fails to comply with Clause 7.3 (Building Setbacks of Residential Buildings). A front setback of 7.5m is required however the first floor is setback only 5.05m and the second floor only 4.9m. A variation to this clause can be supported however as the ground floor is set back the required 7.5m and the resultant layered articulation adds architectural merit to the proposed design.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates.

The subject site is located within an established SC (Service Commercial) estate. It has been cleared, levelled and prepared for development

although is vacant. The land can be connected to reticulated power, water and sewerage services. The land is capable of supporting the proposed development.

A management plan is required to demonstrate that the use can be accommodated on the site.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0258
APPLICANT

VARIATION OF DEVELOPMENT PERMIT – DP12/0321
LOT 19 (295) PIONEER DRIVE, HUNDRED OF STRANGWAYS
EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended.

RESOLVED
38/14

That, the Development Consent Authority vary Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme, and pursuant to section 57(3)(a) of the *Planning Act*, consent to the application to develop Lot 19 (295) Pioneer Drive, Hundred of Strangways for the purpose of a variation of DP12/0321 to create 4 lots subject to conditions:

GENERAL CONDITIONS

1. Works are to be carried out in accordance with plan numbered PA2012/0258A/01 endorsed as part of this permit.
2. Before the issue of titles, fire access trails are to be installed on the advice of the Bushfires Council of the NT, to the satisfaction of the consent authority.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation.
5. Engineering design, calculations and specifications for the proposed and affected roads, stormwater drainage, street lighting and vehicular accesses are to be submitted for technical approval to Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent Authority.
7. This development is subject to the Litchfield Council Developer Contribution Plan.

8. The developer is to ensure all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.
9. The existing structure and waste water treatment system, as indicated on the endorsed plans, is to be removed to the satisfaction of the consent authority prior to the issue of titles.

EXPIRY OF A PERMIT

This permit will expire if one of the following circumstances applies:

- (a) the development is not started within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit.
The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

NOTES:

1. This development must conform to the criteria outlined in *"Guidelines for Preventing Biting Insect Problems for New Rural Residential Developments or Subdivision in the Top End of the Northern Territory"*. The permit holder is to liaise with the Senior Medical Entomologist, Department of Health and Community Services regarding advice on potential impact of biting insects to the development and appropriate measures to minimise the potential for creating mosquito breeding sites.
2. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property.
3. It is an offence to interfere with or cause damage to sacred sites identified in accordance with the *Aboriginal Sacred Sites (NT) Act* and as such the developer should obtain an 'Authority Certificate' from the Aboriginal Areas Protection Authority prior to the commencement of any works.
4. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme can be supported as the variation addresses Litchfield Council's requirements for accesses. In addition, the application represents only a minor variation to the minimum lot size and is unlikely to impact upon the capability of the land to accommodate future uses.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2013/0958
APPLICANT**

**RURAL INDUSTRY WITH REDUCED SITE AND FRONT SETBACKS
SECTION 2548 (65) DUDDLELL ROAD, HUNDRED OF CAVENAGH
TMP TRANSPORT SERVICE**

The applicant did not attend the meeting.

**RESOLVED
39/14**

That, the Development Consent Authority vary the requirements of Clause 10.6 (Rural Industries in Zones RL, R and H) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 2548 (65) Duddell Road, Hundred of Cavanagh for the purpose of a rural industry with reduced side and front setbacks, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) a site plan which shows the site access redesigned to Litchfield Council specifications, location of loading and unloading activities, the heavy transport vehicle turning path and a car park with 18 parking bays; and
 - (b) elevation plans of each building.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

5. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay[s]) and must not disrupt the circulation and parking of vehicles on the land).
6. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council to the satisfaction of the consent authority.
9. All proposed works impacting on Duddell Road are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Litchfield Council. Drawings must be submitted to the Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
10. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (d) presence of vermin.

NOTE:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.
 The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme requires a minimum standard for the development and use of land for a rural industry as specified in Clause 10.6 (Rural Industries in Zones RL, Rand H). The purpose of this clause is to ensure that a rural industry does not, by reason of appearance, operation and associated vehicle movements, cause

detriment to the amenity of a locality or create a potential hazard to traffic on abutting roads.

A rural industry and any activity associated with it should be located at least 50m from the side and rear boundaries of the site and 100m from any public road. In this instance the Authority may wish to take into account that the affected property to the north of the subject land is of similar size and developed for horticulture, such that no detrimental impact is anticipated. Further, the close proximity of the existing development to the road boundary has similarly had minimal impact to the locality, as indicated by a lack of public submissions. The potential damage to the road network identified by the Litchfield Council can be addressed through an upgrade to the intersection as included as a standard condition.

A variation to the minimum setback to the side and front boundary is supported as the vehicles associated with the development can be accommodated on site, the distance between the development and existing dwellings in the area is such that no anticipated impact from noise or light spill is envisaged.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2013/0886
APPLICANT

CLEARING OF NATIVE VEGETATION
SECTION 4813 (24) AFFLECK ROAD, HUNDRED OF STRANGWAYS
VKD

The applicant did not attend.

Submitters who sent their apologies:- Mr Nathan Cappa, Mr David Bell and Mr Michael Burrell.

Submitters in attendance:- Mr Phil Smith, Ms Camilla Cappa, Ms Kathryn Bell, Mr Jacob Bell, Ms Annika Bell, Ms Chenoa Bell, Ms Priscilla Terry, Mr Peter Davidson and Ms Mescha Manski.

Interested party in attendance: - Mr Mathew Smith

RESOLVED
40/14

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Section 4813 (24) Affleck Road, Hundred of Strangways for the purpose of clearing native vegetation, subject to the following reasons:

REASONS FOR THE DECISION

1. Pursuant to section 51(j) of the *Planning Act*, the Consent Authority must take into account the capability of the land to which the proposed development relates to support the proposed development.

The Department of Land Resource Management (DLRM) raised concerns relating to weed infestations and potential to cause erosion and

sedimentation. Significantly however, DLRM advised that **the proposed orchards are anticipated to require 11.4ML/year on establishment and 102.4ML/year at maturity, while groundwater resources are likely to yield only 7ML/year.** This is a significant shortfall and demonstrates the land is not capable of supporting the proposed crops.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The potential impact of the proposed clearing on local amenity was raised in public submissions. The clearing is generally inconsistent with surrounding lots which predominantly retain remnant native vegetation. This could negatively impact on local amenity.

In addition, the Department of Land Resource Management identified a serious shortfall in groundwater supply. The clearing of a site to establish crops that would likely perish (from inadequate watering) would likely result in a dust nuisance and visual eyesore.

ACTION: Notice of Refusal

RATIFIED AS AN RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING



PETER MCQUEEN
Chairman

17/2/14

